

REMARKS

Claim 1, 2 and 8 – 12 are pending in the application;

Claims 8 – 12 are allowed, claims 1 and 2 stand rejected under 35 U.S.C. §103(a) as unpatentable over Toennesen.

The disclosure is objected because the specification lacks the required section headings.

The specification is amended herein to provide the proper headings.

The rejection of claims 1 and 2 under 35 U.S.C. §103(a) is respectfully traversed.

It is noted in the Office Action that Applicant's arguments filed 11/21/2002 have been found to be not persuasive.

The Office Action states that Applicant has provided a list of advantages to be had by using an O-ring, but that the disclosure lacks specific mention of such advantages. However, the Office Action fails to state any authority for a requirement that all advantages of an invention be specifically mentioned in the specification, as filed.

The Office Action further indicates that Applicant's arguments concerning the advantages of using an O-ring in relation to the rejection of claims 1 and 2 are moot, and that Applicant's statement that "... for an O-ring, any suitable cross section other than circular may be opted for..." supports the Examiner's position that the choice of an O-ring is a design expedient. However, the cited prior art does not support such a

conclusion, since there is no mention, and surely not a suggestion, in the cited art of the use of such an O-ring as taught by applicant. Furthermore, the fact that the use of an O-ring provides a substantial number of advantages, as recited in the application and noted in Applicant's earlier response, and no prior art has been found that discloses or suggests the use of an O-ring, supports Applicant's position that the claimed invention was not obvious to a person of ordinary skill in the art at the time that the invention was made. It is well established that the Examiner bears the burden of establishing a prima facie case of obviousness based on the prior art and that the Examiner can satisfy this burden only by showing some objective teaching in the prior art. In re Ex parte Obukowicz, 27USPQ2d, 1063, 1065 (U.S. Patent and Trademark Office Board of Patent Appeals and Interferences 1993). It is submitted that there is no objective teaching of Applicant's invention, as recited in claims 1 and 2, in the cited art.

The office action states the substitution of an O-ring for the ring like valve element of Toennesen provides no new or unexpected results nor solves any stated problem. The Application, on page 1, lines 28 through 32, specifically recites "low cost" as an object of the invention. It is submitted that "low cost" provides a significant commercial advantage for an item such as a relief valve

It is respectfully submitted that, in light of the above, the application is believed to be in condition for allowance and early notification of allowance is respectfully requested.

Appl. No. 09/763,078


The Examiner is cordially invited to contact Applicant's attorney at the telephone number indicated below if the Examiner deems that a telephone interview may be advantageous in the disposition of the case.

Respectfully submitted,

Dated:

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By



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